

A-6381 Variance Request

Modify an existing stoop and one tread that would encroach a maximum of eleven and two-tenths (11.2) feet forward of the twenty-five (25) foot front building restriction line.

Mr. Christopher Sperl &
Mr. Christopher Erckert
28 Hesketh Street

**CHEVY CHASE VILLAGE
BOARD OF MANAGERS
JULY 8, 2013 MEETING**

STAFF INFORMATION REPORT

TO: BOARD OF MANAGERS
FROM: ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR
DATE: 7/3/2013
SUBJECT: HEARING OF APPEAL CASE NO. A-6381 VARIANCE REQUEST
MR. CHRISTOPHER SPERL & MR. CHRISTOPHER ERCKERT, 28 HESKETH STREET
MODIFY AN EXISTING STOOP AND ONE TREAD THAT WOULD ENCROACH A MAXIMUM OF ELEVEN
AND TWO-TENTHS (11.2) FEET FORWARD OF THE TWENTY-FIVE (25) FOOT FRONT BUILDING
RESTRICTION LINE.

CASE SYNOPSIS: The Applicants propose to "square-off" the trapezoidal landing and first tread of an existing stoop and steps that encroach forward of the front building restriction (and covenant setback) line. A portion of the main house, as well as all of the existing stoop and subject tread, encroach forward of the front building restriction (and covenant setback) line. There is no expansion of the existing encroachment, however a variance is still required because the proposed work would be constructed forward of the twenty-five (25) foot front building restriction line.

IMPORTANT ASPECTS:

- The entire house encroaches forward of the twenty-five (25) foot front building restriction and covenant setback line as well as the stoop and tread.
- The proposed work does not expand the existing encroachment.
- The Subject Property is located in the Chevy Chase Village Historic District so the project will need approval from the Historic Preservation Commission (HPC); the Applicants are on the July 10 HPC agenda.

NOTICE REQUIREMENTS: Abutting Owners; Public Notice

APPLICABLE CHEVY CHASE BUILDING REGULATION:

The Chevy Chase Village Code § 8-17 (c) states:

No structure or play equipment of any description shall be erected within twenty-five (25) feet of the front line of any lot.

APPLICABLE COVENANTS:

"That no structure of any description shall be erected within twenty-five (25) feet of the front line of said premises; and that no stable, carriage-house, shed, or outbuilding shall be erected except on the rear of said premises."

FACTUAL AND BACKGROUND INFORMATION:

The existing house encroaches three and nine-tenths (3.9) feet forward of the front building restriction and covenant setback line.

The existing stoop and tread encroach an additional seven and three-tenths (7.3) feet forward of the front BRL for a total maximum encroachment of eleven and two-tenths (11.2) feet.

The Applicants propose to “square-off” the existing trapezoidal stoop and tread; they do not propose to increase the existing encroachment.

The remaining steps and front walkway will remain in the existing location.

Once the stoop and tread are squared-off, the Applicants propose to install flagstone over the existing stamped concrete stoop, treads and front walkway.

New handrails to match the existing will be installed around the stoop and alongside the steps.



Figure 1: View of 28 Hesketh Street. The house encroaches three and nine-tenths (3.9) feet forward of the front BRL and the front stoop and subject tread encroach an additional seven and three-tenths (7.3) feet forward of the front BRL. The existing stoop and first tread will be “squared-off” but will not encroach farther than they currently do.

The Applicants recently completed a renovation of the property. They have previously obtained Board approvals to maintain a lamp post that was installed forward of the front BRL; to maintain pool equipment that was installed in the rear yard; and to maintain a lamp post that was installed in the public right-of-way.

In previous cases involving covenant setbacks and front building line restrictions, the Board has found that the covenants were not enforceable in the following circumstances:

- 1) Where uncovered steps and stoops are installed as a matter of necessity to address the change in elevation from the ground to the entrance of a house, and which steps and stoops are the minimum necessary to provide reasonable access, these steps and stoops are not considered structures for the purposes of the covenants.

2) When uncovered steps and stoops were constructed at the time that the covenants applicable to the property were placed, or shortly thereafter, it was presumed that the covenant authors did not intend those protrusions to be classified as "structures" for the purposes of the covenants.

3) Where a large percentage of properties on the same block had encroachments or projections of a certain type forward of the front building and covenants restriction line it was presumed that the covenant authors did not intend those encroachments or protrusions to be classified as "structures" for the purposes of the covenants.

4) When the proposed encroachment does not expand an existing encroachment.

To date there have been no letters received from abutting neighbors either in support of or opposition to the request.

Applicable Fees: Building Permit Application: \$30; Variance Application Fee: \$300; TOTAL: \$330.

RELEVANT PRECEDENTS:

Recent precedents for porticos, stoops and steps that encroach forward of the twenty-five (25) foot front building restriction line include:

In May 2005 Mr. & Mrs. Justin Bausch of 12 East Lenox Street were **granted a variance to extend** the uncovered steps leading to the front porch. In the Bausch case the covenants were worded to prohibit "any stable, carriage houses or shed" forward of the twenty-five (25) foot front building restriction line, rather than the more standard language prohibiting "structure[s] of any description" forward of that setback. In December of 2010, Mr. & Mrs. Robert Maruszewski of 127 Grafton Street were **granted a variance to enlarge** a non-conforming uncovered stoop which would encroach five feet, six inches (5'-6") forward of the twenty-five (25) foot front building restriction and covenant setback line, an additional two feet, eleven inches (2'-11") farther than the existing stoop. In January of 2011 the same applicants were **denied a variance to construct** a portico over the previously approved stoop and steps. In January of 2011, Ms. Joanne Kyros and Mr. Thomas Schaufelberger were granted multiple variances to extend existing encroachments in the west (side) yard of their property pertaining to an addition as well as **granted a variance to construct** an uncovered stoop with three treads that would encroach five (5) feet forward of the front building restriction and covenant setback line, an additional two (2) inches farther than the existing treads. The applicants were **denied permission to construct** a roof over the proposed stoop that would encroach three (3) feet forward of the front building restriction line. In December 2010, Mr. Gregory L. Dixon and Ms. Susan F. Dixon, Co-Trustees of the Gregory L. Dixon Revocable Trust and the Susan F. Dixon Revocable Trust, of 5500 Montgomery Street, were **granted a variance to expand** their uncovered front stoop that would extend three (3) feet forward of the twenty-five (25) foot front building restriction and covenant setback line. In February of 2012, Mr. & Mrs. Andrew Marino, of 11 Primrose Street, were **granted a variance to relocate and construct** non-conforming uncovered front steps, leading to a covered porch, both of which were forward of the twenty-five (25) foot front building restriction and covenant setback line. The proposed steps encroach twelve feet, eight inches (12'-8") forward of this twenty-five (25) foot front setback line, an additional ten (10) inches beyond the existing steps. In April of 2012 Mr. & Mrs. D. Blake Bath were **granted a variance to reconstruct** the uncovered front steps and add an additional step leading from the front walkway to the front porch forward of the twenty-five (25) foot front building restriction and covenant setback line. In May of 2012 Dr. & Mrs. Charles Bahn of 118 Hesketh Street were **granted a variance to reconstruct** the uncovered front steps from the front walkway to the front porch, adding one tread, a portion of which would be located forward of the twenty-five (25) foot front building restriction and covenant setback line. In June of 2012, Dr. & Mrs. Jeffrey Shuren were **granted a variance to reconstruct** uncovered steps that would extend an additional one foot, one inch (1'-1") beyond the existing steps for a maximum encroachment of six feet, eight inches (6'-8") forward of the twenty-five (25) foot front building

restriction line. On December 10, 2012 the Chevy Chase Village Board of Managers **considered** the request of Mr. & Mrs. Steven Sprenger of 5501 Park Street for a **variance to construct** uncovered treads leading to a front stoop in the front (Park Street) yard which would encroach forward of the front building restriction line. A motion to approve the request for a variance failed; therefore, construction of the proposed treads was **denied** per the Village Manager's decision dated October 25, 2012. In that case there had not previously existed an encroachment forward of the front BRL and covenant setback line at the property nor was there an established encroachment throughout the rest of that block of Park Street. In March 2013, Mr. & Mrs. Alex Sternhell of 27 Primrose Street were **granted** a variance to reconfigure a pair of existing front steps that would encroach forward of the twenty-five (25) foot front building restriction line. In June of 2013, Mr. Brendan O'Neill Sr. was granted a variance to construct a new house, the proposed soffit, gutter, portico stoop and treads of which would encroach forward of the twenty-five (25) foot front building restriction line.

FINDINGS REQUIRED:

1. The proposed variance is required because special conditions exist whereby the enforcement of the requirements of the Village Building Code would result in an unwarranted hardship and injustice to the owner.
2. The proposed variance will most nearly accomplish the intent and purpose of the requirements of the Village Building Code; and
3. Except for variances from the requirements of Sections 8-22 [fences], 8-26 [driveways] or Article IV [public rights-of-way] of the Village Regulations, the structure authorized by the proposed variance would not violate any covenant applicable to the property.

Draft Motions

I move to direct staff to draft a decision **APPROVING/DENYING** the variance request in Case A-6381, to modify an existing stoop and one tread that would encroach a maximum of eleven and two-tenths (11.2) feet forward of the twenty-five (25) foot front building restriction line, based on the findings that ...

**CHEVY CHASE VILLAGE
NOTICE OF PUBLIC HEARING**

Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 8th day of July, 2013 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-6381
MR. CHRISTOPHER SPERL & MR. CHRISTOPHER ERCKERT
28 HESKETH STREET
CHEVY CHASE, MARYLAND 20815**

The applicants seek a variance from the Board of Managers pursuant to Section 8-11 of the Chevy Chase Village Building Code to modify an existing stoop and one tread that would encroach a maximum of eleven and two-tenths (11.2) feet forward of the twenty-five (25) foot front building restriction line.

The Chevy Chase Village Code § 8-17 (c) states:

No structure or play equipment of any description shall be erected within twenty-five (25) feet of the front line of any lot.

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at www.chevychasevillagemd.gov or you may contact the office for this information to be mailed to you.

This notice was mailed to abutting and confronting property owners on the 27th day of June, 2013.


**Chevy Chase Village Office
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
301-654-7300**

MAILING LIST FOR APPEAL A-6381

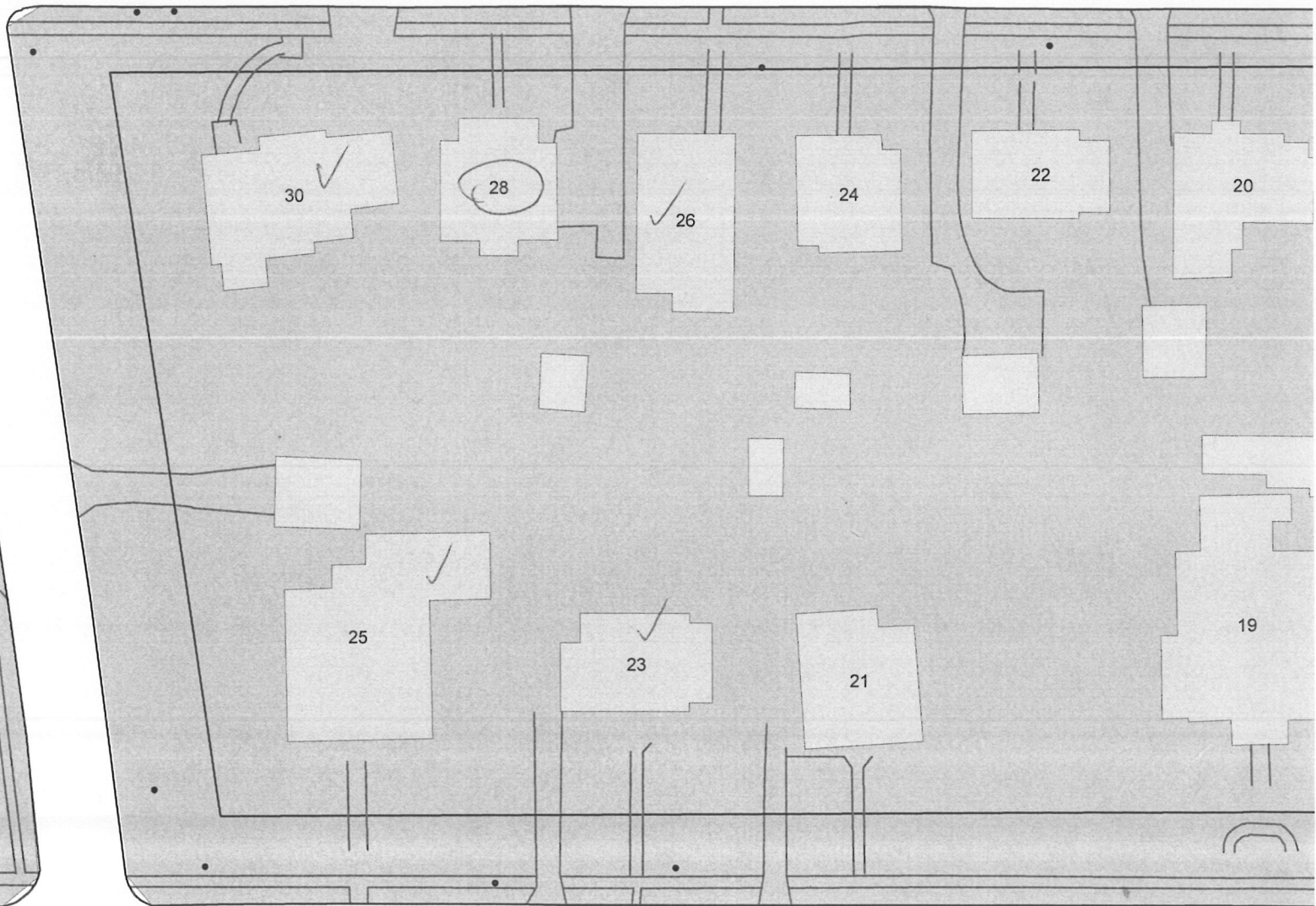
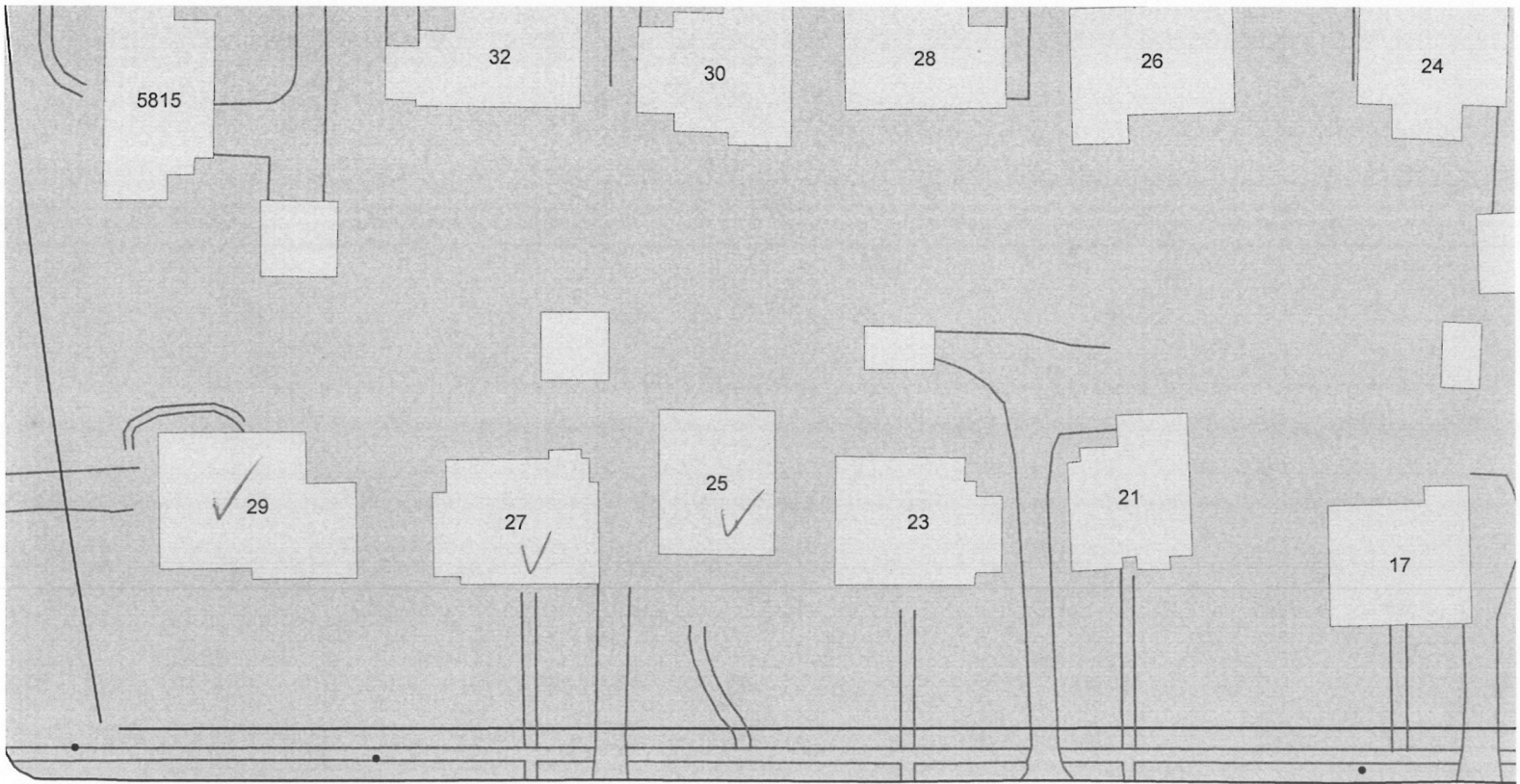
**MR. CHRISTOPHER SPERL
MR. CHRISTOPHER ERCKERT
28 HESKETH STREET
CHEVY CHASE, MD 20815**

Adjoining and confronting property owners

Ms. Kristen A. Donoghue & Mr. Jonathan D. Hacker Or Current Resident 30 Hesketh Street Chevy Chase, MD 20815	Ms. Louisa J. Bullard Or Current Resident 29 Hesketh Street Chevy Chase, MD 20815
Ms. Grace H. Spring Or Current Resident 27 Hesketh Street Chevy Chase, MD 20815	Mr. & Mrs. Martin J. Weinstein Or Current Resident 25 Hesketh Street Chevy Chase, MD 20815
Ms. Mary Frances Pearson & Mr. Joseph G. Howe, III Or Current Resident 26 Hesketh Street Chevy Chase, MD 20815	Mr. & Mrs. Michael F. Kelleher Or Current Resident 25 Grafton Street Chevy Chase, MD 20185
Mr. & Mrs. Richard Zantzinger Or Current Resident 23 Grafton Street Chevy Chase, MD 20815	


I hereby certify that a public notice was mailed to the aforementioned property owners on the 27th day of June 2013.

**Ellen Sands
Permitting and Code Enforcement Coordinator
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815**



CHEVY CHASE VILLAGE

ESTABLISHED 1890

June 27, 2013

Mr. Christopher Sperl &
Mr. Christopher Erckert
28 Hesketh Street
Chevy Chase, MD 20815

Dear Mr. Sperl & Mr. Erckert:

Please note that your request for a variance to modify the stoop and one tread located forward of the twenty-five (25) foot front building restriction line at your property is scheduled before the Board of Managers on Monday, July 8, 2013 at 7:30 p.m.

Either you or another representative must be in attendance to present your case. At that time, additional documents may be introduced and testimony can be provided in support of the request.

For your convenience, enclosed please find copies of the Public Hearing Notice and mailing list. Please contact the Village office in advance if you are unable to attend.

Sincerely,



Ellen Sands
Permitting and Code Enforcement
Chevy Chase Village

Enclosures

CHEVY CHASE VILLAGE

5906 Connecticut Avenue
Chevy Chase, Maryland 20815

Phone (301) 654-7300

Fax (301) 907-9721

ccv@montgomerycountymd.gov

www.chevychasevillagemd.gov

BOARD OF MANAGERS

PATRICIA S. BAPTISTE
Chair

MICHAEL L. DINGER
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Assistant Secretary

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ROBERT C. GOODWIN, JR.
Assistant Treasurer

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Board Member

VILLAGE MANAGER
SHANA R. DAVIS-COOK

LEGAL COUNSEL
SUELLEN M. FERGUSON

Chevy Chase Village
Building Permit Application

Permit No: _____

Property Address:

28 HESKETH STREET

Resident Name: CHRISTOPHER SPERL

Daytime telephone: 202.441.0053 Cell phone: SAME

After-hours telephone: SAME

E-mail: ctsperl@gmail.com

Project Description: WE WOULD LIKE TO ENHANCE THE LOOK OF OUR CURRENT STOOP AND WALKWAY. THE PROPOSED PROJECT WOULD BE TO COVER OUR EXISTING STAMPED CONCRETE STOOP AND WALKWAY WITH FLAGSTONE. ADDITIONALLY, OUR JOB WOULD INCLUDE SQUARING THE EDGES OF THE EXISTING STOOP/LANDING AS SHOWN IN THE ATTACHED ARCHITECTURAL DRAWINGS.

☐ Check here if the construction will require the demolition of over fifty (50) percent of any existing structure.

Primary Contact for Project:

☒ Resident

☐ Architect

☐ Project Manager

☐ Contractor*

*MHC/MD Contractor's License No. (required):

Information for Primary Contact for Project (if different from property owner):

Name:

Work telephone:

After-hours telephone:

Cell phone:

E-mail:

Will the residence be occupied during the construction project?

☒ Yes ☐ No

If no, provide contact information for the party responsible for the construction site (if different from above):

Name:

Address:

Work telephone:

After-hours telephone:

Cell phone:

E-mail:

Parking Compliance:

Is adequate on-site parking available for the construction crews?

☒ Yes ☐ No

If no, please attach a parking plan which minimizes inconvenience to neighboring residents, and indicate if the property is in a permit parking area.

Will road closings be required due to deliveries, equipment or other reasons?

☐ Yes ☒ No

Building Permit Filing Requirements:
Application will not be reviewed until the application is complete

- ☒ Copy of stamped drawings approved by Montgomery County Department of Permitting Services (DPS) and the Historic Preservation Commission (HPC), if required. Every page of drawings must be clearly stamped.
- ☒ This application form, signed by resident.
- ☒ Boundary Survey
- ☒ Site Plan (see: Village Site Plan Checklist to ensure completeness)
- ☒ Building plans and specifications
- ☐ Tree Preservation Plan requested of Village arborist (see: Village Tree Inspection Request form). All required tree protections must be fully installed before any work begins.
- ☒ Filing Fee (due at time of application). Fees schedule is listed in Chapter 6 of the Village Code.
- ☐ Damage deposit or performance bond (due when Building Permit is issued). Amount of required deposit or bond will be set by Village Manager.

Once this permit application is complete, the Village Manager will review the application and accompanying documents and, under most circumstances, act on the application within 5 to 10 working days.

If the Montgomery County permit is suspended, revoked or lapsed, the Village permit is automatically suspended, revoked or lapsed.

No signs advertising the architect, contractor, or any other service provider may be posted on the work site.

I hereby certify that I have the authority to make the foregoing application, that the application is correct, that I have read and understood all requirements and that the construction will conform to the regulations of the Montgomery County Zoning Code, the Village Code including Urban Forest code, and any covenants and easements on the subject property.

Applicant's Signature: _____

Date: JUNE 19, 2013

To be completed by Village staff:

Is this property within the historic district?

Yes ☒

No ☐

Staff Initials: JS

Date application filed with Village: 6/19/13

Date permit issued: _____

Expiration date: _____

For Use By Village Manager	Application approved with the following conditions:
For Use By Village Manager	Application denied for the following reasons:

DENIED

JUN 24 2013

Chevy Chase
Village Manager

Filing Fees (due when application submitted)	Checks Payable to: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815	
Permit Application Fee: \$ <u>30.00</u> (see Permit Fee Worksheet) <input type="checkbox"/> \$50.00 (if construction is in the Public Right-of-way)		
Tree Preservation Plan Fee: <input type="checkbox"/> \$250.00 <input checked="" type="checkbox"/> Not required for this project.		
TOTAL Fees: <u>\$30.00</u>	Date: <u>6/10/13</u> Staff Signature: <u>[Signature]</u>	
Damage Deposit/Performance Bond (due when permit is issued)	Checks Payable to: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815	
<input type="checkbox"/> \$ _____ <input type="checkbox"/> Waived by Village Manager	Date: _____ Village Manager Signature: _____	
Cost of damage to R-O-W: (calculated at close-out) Amount of refund:	Date: _____ Village Manager Signature: _____	

Chevy Chase Village

Application for a Variance

A variance is permission granted to a landowner to depart from the specific requirements of the Village zoning ordinance and allows a landowner to use land differently than specified in the ordinance. The variance is a written authorization from the Board of Managers permitting construction in a manner not otherwise allowed by the Village Code.

Subject Property:	28 HESKETH STREET	
Describe the Proposed Project:	PLEASE SEE ATTACHED	
Applicant Name(s) (List all property owners):	CHRISTOPHER SPERL & CHRISTOPHER FRICKERT	
Daytime telephone:	202.441.0053	Cell: SAME
E-mail:	ctspert@gmail.com	
Address (if different from property address):		
For Village staff use:		
Date this form received:	6/14/13	Variance No: A-

Filing Requirements:

Application will not be accepted or reviewed until the application is complete

- ☒ Completed Chevy Chase Village Application for a Variance (this form)
- ☒ Completed Chevy Chase Village Building Permit Application
- ☒ A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- ☒ Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- ☒ Copy of Covenants applicable to the property except for variances from Sections 8-22, 8-26 or Article IV of Chapter 8 of the Chevy Chase Village Code.
- ☒ Variance fee (See fee schedule listed in Chapter 6 of the Village Code).

Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this variance request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: CSperl
Applicant's Signature: _____

Date: JUNE 19, 2013
Date: _____

Sperl, Application for Variance

Describe the Proposed Project:

We would like to improve the entry area into our home as well as enhance the look of our current stoop and walkway. The proposed project would be to cover our existing stamped concrete stoop and walkway with flagstone. Additionally, our job would include squaring the edges of the existing stoop and landing as shown in the attached architectural drawings.

Describe the basis for variance request:

Describe the special condition of the property and how the property compares to other properties in the Village:

In this project we are attempting to cover our existing stamped concrete stoop and walkway with flagstone. The only changes that we would like to make would be to square the edges of the existing stoop and landing (next to the stoop) as shown in the plans. Our current stoop is already encroaches into the setback and we are not planning on coming out any further. The stoop is an odd shape and does not match the character of houses in Chevy Chase Village. Additionally, stamped concrete is a material that is not historically appropriate. Most of the homes in the village have some type of flagstone, brick or stone walkway.

Describe how enforcement of the building regulation would result in an unwarranted hardship and injustice because of the special condition described above:

Due to the fact that our stoop already exists within the setback we would not be protruding any more deeply into the setback. We plan to make the stoop more historically appropriate to the original architecture of the home. Additionally, due to the odd trapezoid shape of the stoop, our design will improve access to our home.

Describe how the proposed variance most nearly accomplishes the intent and purpose of the requirements of Chapter 8 of the Chevy Chase Code, entitled Building and Building Regulations:

First, the proposed changes will not adversely change the character of the house. If anything, it will increase the charm by adding flagstone rather than stamped concrete, which is not a historical material. Second, the slight adjustment we would like to make to the existing stoop will not create unsafe condition. Third, it will not block any vistas nor will it adversely affect the neighbors' use or enjoyment of their property. The proposed changes will enhance the view from the surrounding homes.

**#28
EXISTING
2 1/2 STORY
MASONRY HOUSE
WITH CELLAR**

**EXISTING DETACHED, ONE-STORY
FRAME GARAGE / CLUBHOUSE.**
—EXISTING PATIO AT GRADE.

20' REAR YARD SETBACK
EXISTING IN-GROUND
SWIMMING POOL TO REMAIN

7 SIDE YARD SETBACK

25' FRONT YARD SETBACK

**EXISTING CHIMNEY
TO REMAIN.**

**EXISTING ONE STORY
ENCLOSED PORCH TO
REMAIN.**

**EXISTING STAMPED
CONCRETE STOOP,
LANDING & LEAD
WALK.**

**EXISTING 6' BOARD ON
BOARD PRIVACY
FENCE TO REMAIN**

**CONCRETE ENTRY
STOOP.**

**HVAC CONDENSER
UNITS.**

**EXISTING 4' CHAIN
LINK FENCE AT
REAR YARD TO
REMAIN.**

RAISED PATIO.

329'-7" EX. F.F.

17.7 +/- E.T.R.

5.1 +/- E.T.R.

5.0 +/- E.T.R.

13.1'

13.1'

19.1'

19.9'

13.1'

14.9'

7.0'

2.0'

14.0'

6.0'

19.9'

4.6'

8.0'

3.2'

25.9'

6.0'

3.3'

8.5'

1.0'

2.5'

1.0'

2.5'

21.1 +/- E.T.R.

16.2 +/-

13.8'

21.8'

1.0'

2.5'

1.0'

2.5'

3.3'

3.4' 5"

6.0'

3'

16.5'

1.7'

6.7'

2.0'

7.4'

9.2' +/-

125.00'

60.00'

EAST

WEST

NORTH

HESKETH STREET

19 June 2013

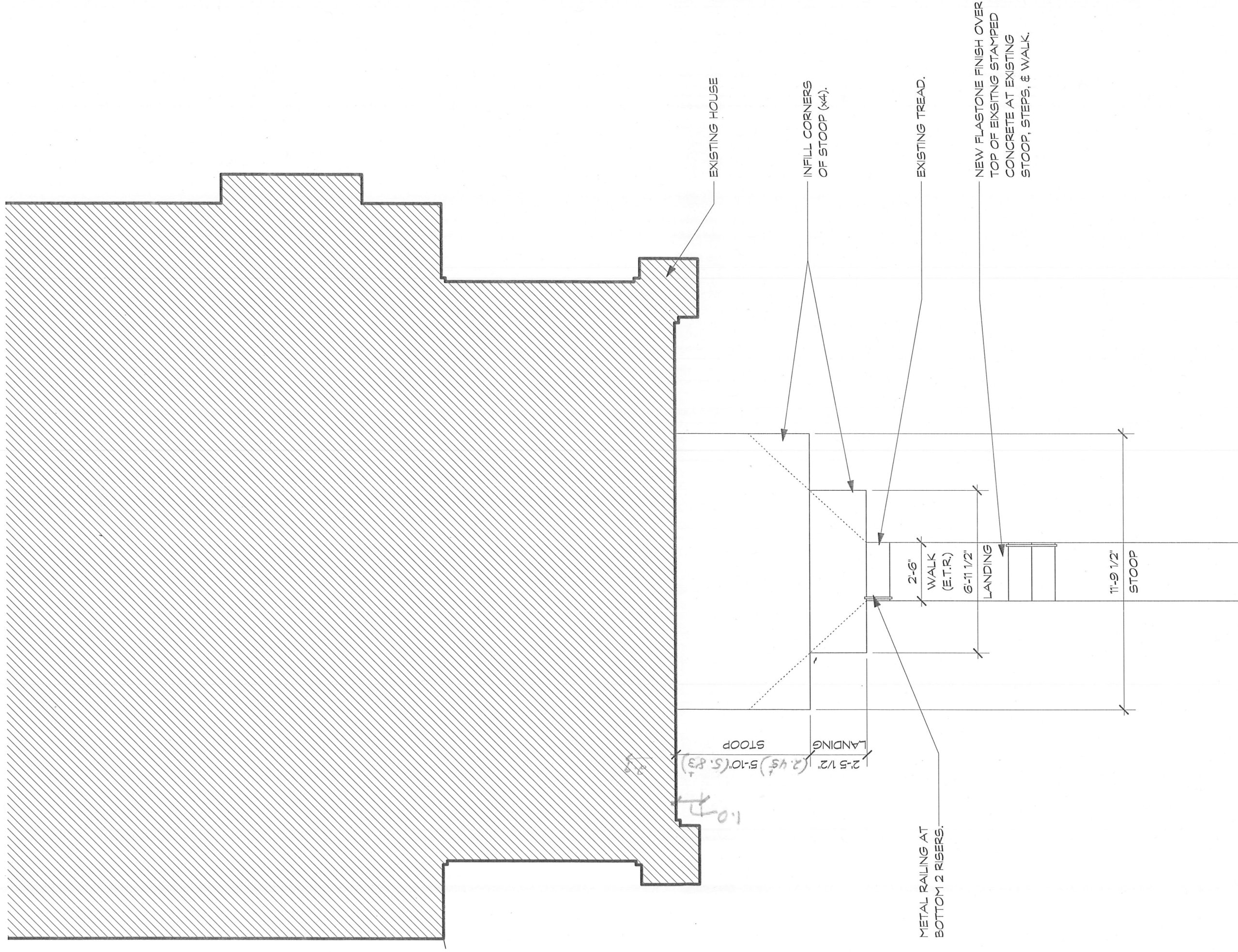
#0927

architects, inc.

1400 Spring Street, Suite 320, Silver Spring, Maryland 20910-2755
(301) 585-2222 www.bfmarch.com fax (301) 585-8917

[illegible]

1400 Spring Street, Suite 320, Silver Spring, Maryland 20910-2755
(301) 585-2222 www.bfmarch.com fax (301) 585-8917



A-3

ERCKERT-SPERL STOOP
28 Hesketh Street, Chevy Chase, MD 20815

19 June 2013

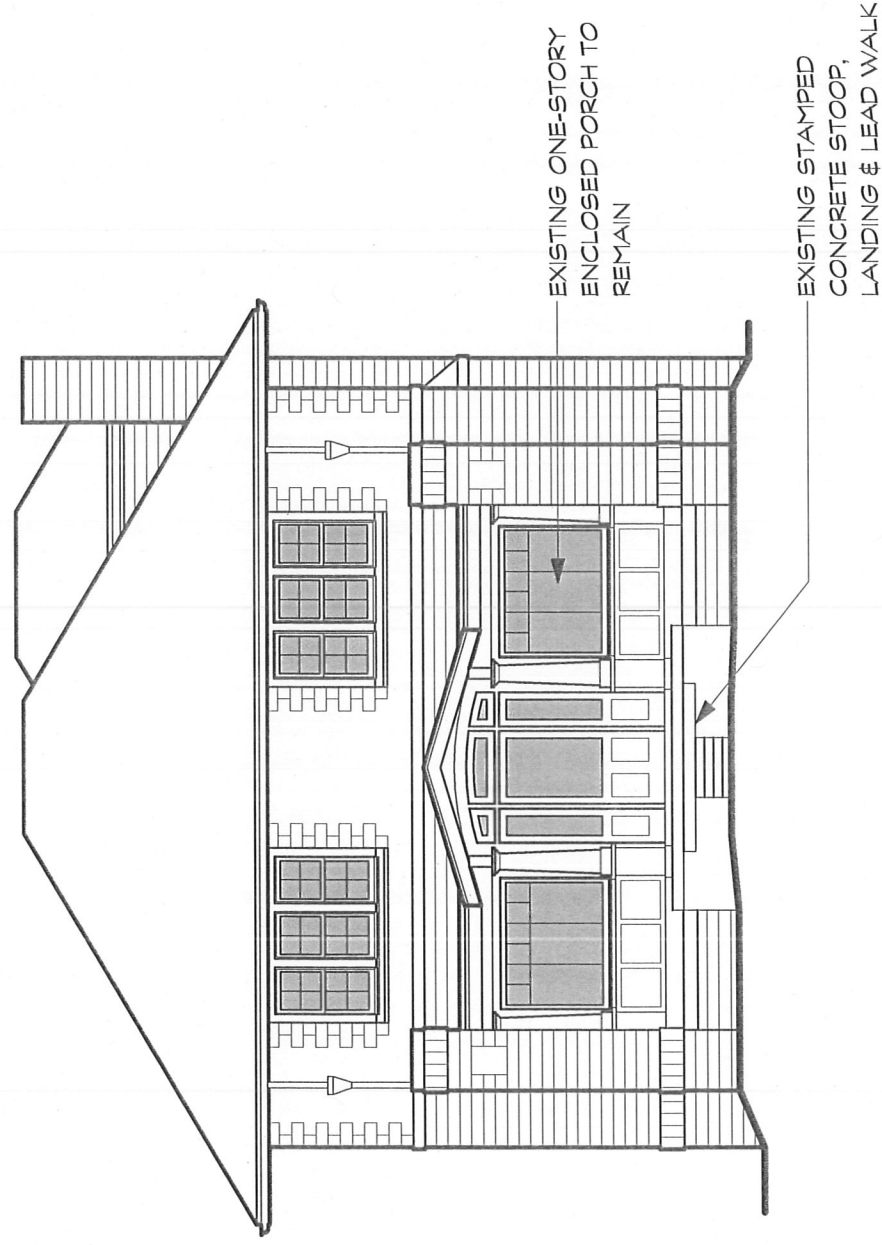
DETAILED STOOP PLAN
Scale: 1/4" = 1'-0"

#0927

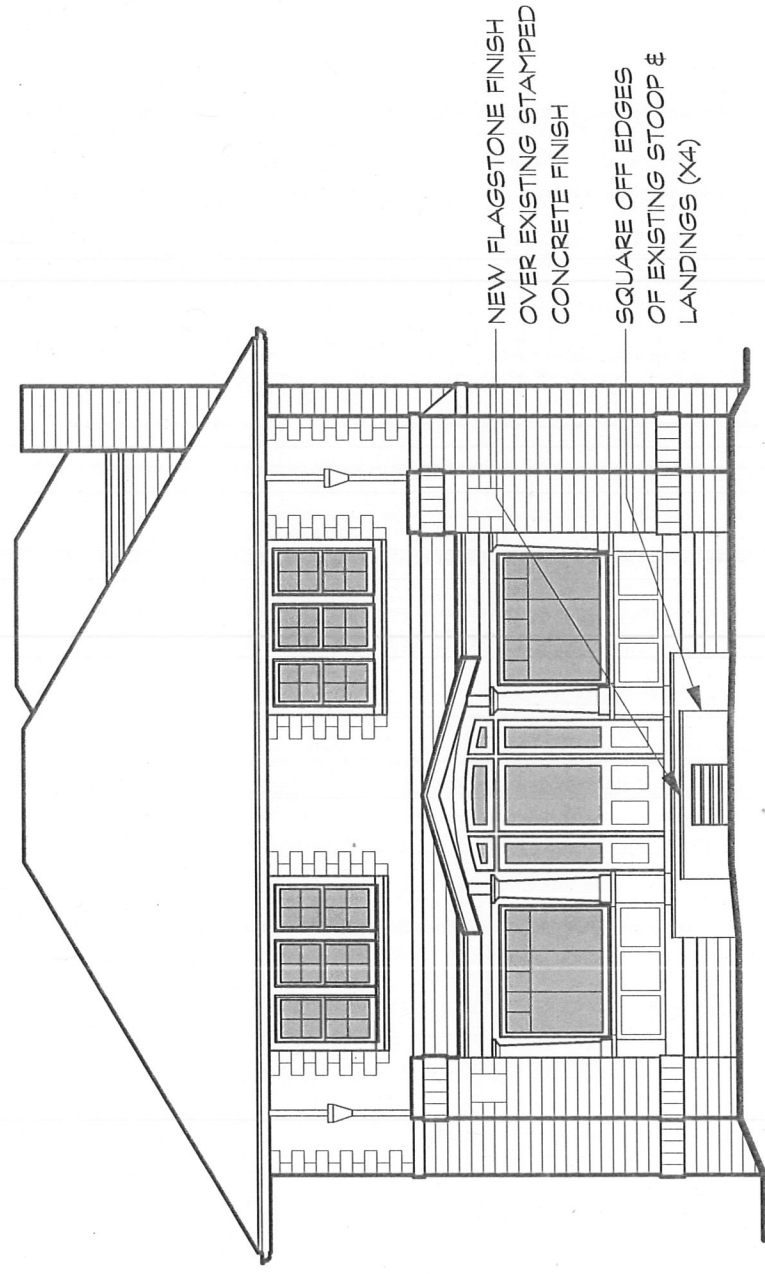
BENNETT FRANK MCCARTHY

a r c h i t e c t s , i n c .

1400 Spring Street, Suite 320, Silver Spring, Maryland 20910-2755
(301) 585-2222 www.bfmarch.com fax (301) 585-8917



EXISTING FRONT ELEVATION



PROPOSED FRONT ELEVATION

A-4

ERCKERT-SPERL STOOP
28 Hesketh Street, Chevy Chase, MD 20815

FRONT ELEVATIONS
Scale: 1/8" = 1'-0"

19 June 2013

#0927

BENNETT FRANK MCCARTHY

a r c h i t e c t s , i n c .

1400 Spring Street, Suite 320, Silver Spring, Maryland 20910-2755
(301) 585-2222 www.bfmarch.com fax (301) 585-8917



STOOP - FRONT



STOOP - LEFT



STOOP - RIGHT

8/10/37
EXAMINED
mailed to:-
Thos. J. Fiske & Co.
738-15th St.
Wash. D.C.
6-16-37

liber 664

389

At the request of Elizabeth Ann Lewis, the following Deed was recorded April 24th, A. D. 1937, at 9:54 o'clock, A. M., to wit:

This Deed, Made this fifth day of April in the year one thousand nine hundred and thirty-seven by and between The Chevy Chase Land Company, Of Montgomery County, Maryland, (a corporation duly organized under and by virtue of the laws of the State of Maryland), party of the first part, and Elizabeth Ann Lewis, of the District of Columbia, party of the second part;

Witnesseth, that the said party of the first part, for and in consideration of the sum of Ten (10) Dollars to it paid by the said party of the second part, and of the covenants and agreements of the said party of the second part as hereinafter set forth, does hereby grant and convey unto the said party of the second part, in fee simple, the following described land and premises, with the improvements, easements, and appurtenances thereunto belonging, situate in the County of Montgomery, State of Maryland, namely:

The East Thirty-seven (37) feet front on Hesketh Street by the full depth thereof of Lot numbered Nine (9) and the West Twenty-three (23) feet front on Hesketh Street by the full depth thereof of Lot Numbered Ten (10) in Block numbered Twenty-four (24) in the subdivision made by The Chevy Chase Land Company of Montgomery County, Maryland, known as "Section Two, Chevy Chase", as per plat recorded in Plat Book No. 2, folio 106, one of the Land Records of Montgomery County, Maryland.

To Have and to Hold the said land and premises, with the improvements, easements and appurtenances, unto and to the use of the said party of the first part.

In Consideration of the execution of this Deed, the said party of the second part, for herself, her heirs and assigns, hereby covenants and agrees with the party of the first part, its successors and assigns (such covenants and agreements to run with the land), as follows, viz:

1. That all houses upon the premises hereby conveyed shall be and used built for residence purposes exclusively, except stables, carriage-houses, sheds or other outbuildings, for use in connection with such residences, and that no trade, business, manufacture or sales, or nuisance of any kind shall be carried on or permitted upon said premises.

2. That no structure of any description shall be erected within twenty-five (25) feet of the front line of said premises; and that no stable, carriage-house shed, or outbuilding shall be erected except on the rear of said premises.

In the case of corner lots any and all lines bordering upon a street, avenue, or parkway, shall be considered a front line.

3. That no house shall be erected on said premises at a cost less than Five Thousand (5000) Dollars.

4. That any house erected on said premises shall be designed for the occupancy of a single family, and no part of any house or of any structure appurtenant thereto shall be erected or maintained within five (5) feet of the side lines of premises hereby conveyed, nor within (10) ten feet of the nearest adjacent house.

5. That a violation of any of the aforesaid covenants and agreements may be enjoined and the same enforced at the suit of The Chevy Chase Land Company, of Montgomery County, Maryland, its successors and assigns (assigns including any person deriving title immediately or immediately from said Company to any lot or square, or part of a lot or square in the Section of the Subdivision of which the land hereby conveyed forms a part).

And the said party hereto of the first part hereby covenants to warrant specially the property hereby conveyed, and to execute such further assurances of said land as may be requisite.

In Testimony Whereof, on the day and year first hereinbefore written, the said The Chevy Chase Land Company, Of Montgomery County, Maryland, has caused these presents to be signed with its corporate name by Edward L. Hillyer, its President, attested by George E. Fleming, its Secretary, and its corporate seal to be hereunto affixed, and does hereby constitute and appoint George E. Fleming its true and lawful Attorney-in-fact, for it and in its name, place and stead to acknowledge these presents as its act and deed before any person or officer duly authorized to take such acknowledgment, and to deliver the same as such.

Attest:

Geo. E. Fleming

Secretary

The Chevy Chase Land
Co. Of Montgomery
Co., Maryland

The Chevy Chase Land Company, Of
Montgomery County, Maryland.

By: Edward L. Hillyer
President

(Internal Revenue \$12.50)

District of Columbia, to wit:

I, Frank I. Greenwalt, a Notary Public in and for the said District of Columbia, do hereby certify that George E. Fleming who is personally well-known to me to be the person named as Attorney-in-fact in the foregoing and annexed Deed, dated the 5th day of April 1937, to acknowledged the same personally appeared before me in the said District of Columbia, and as Attorney-in-fact as aforesaid, and by virtue of the power and authority in him vested by the aforesaid Deed, acknowledged the same to be the act and deed of the said The Chevy Chase Land Company, Of Montgomery County, Maryland, and delivered the same as such.

Given under my hand and seal this 5th day of April, A. D. 1937.

Frank I. Greenwalt

Frank I. Greenwalt

Notary Public, D. C.

Notary Public

District of

Columbia

3195
EXAMINED

Mailed to
District Title Insurance Co.
Lawyers Title Insurance Co.
Washington Title Insurance Co.
1413 Eye Street, N. W.
Washington, D. C.
6-16-37

At the request of Henry W. Wilson and Catherine G. Wilson, the following Deed was recorded April 24th, A. D. 1937, at 10:03 o'clock, A. M., to wit:-

This Deed, Made this 15th day of April, A. D. 1937, by Roger H. Offutt and Carrie Frances Offutt, his wife, of Montgomery County, in the State of Maryland.

Chevy Chase Village
Website Posting Notice
for Appeal, Special Permit & Variance Hearings

Case Number: A-6381

Hearing Date: July 8, 2013

By signing below, I acknowledge as the applicant/appellant in the above-referenced case number that all supporting information and documentation for my case will be posted on the Village's website at <www.chevychasevillagemd.gov> for review by the general public.

Applicant/Appellant Name: CHRISTOPHER SPERL

Address: 28 HESKETH STREET

Telephone: 202-441-0053

E-mail: ctsperl@gmail.com

Applicant/Appellant Signature: CSperl

Agent Name for applicant/appellant (if necessary):

Telephone:

Address:

E-mail:

Signature of agent:

Village staff initials: GS

Date: 6/9/13

check # 2406